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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,201	02/13/2001	Roger D. Wood	06683.0002.NPUS00	7037
7590	08/26/2004			
Derek J. Jardieu HOWREY & SIMON 1299 Pennsylvania Avenue, N.W. Box No.34 Washington, DC 20004-2402			EXAMINER HAMILTON, MONPLAISIR G	
			ART UNIT 2135	PAPER NUMBER

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/781,201

Applicant(s)

WOOD, ROGER D.

Examiner

Monplaisir G Hamilton

Art Unit

2135

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-30.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues: "that Freeman does not expressly disclose active display technology. In fact, one skilled in the art would understand from the disclosure of Freeman, to the contrary, that Freeman 183 relates to passive display technology. Examiner agrees that Freeman discloses passive technology. However, examiner contends that Freeman also discloses the use of active technology. Specifically Freeman discloses that the display elements include elements such as suspended article displays and field emission displays, active displays. Therefore, examiner maintains that the claimed invention is unpatentable.

Examiner thanks applicant for pointing out the error in the heading of the 102 rejection. It has been noted that there is a typographical error in the heading of paragraph 4.

Applicant argues: "The Examiner then, without support, asserts that Freeman does disclose that the card is readable by ATM machines." Applicant disagrees. In this regard, Applicant is aware of 1) the reference at column 2, line 21 of Freeman 183 that merely suggests the existence of ATM machines" and 2) the discussion at column 6, lines 59-65 that relates to a flexibility of the card of Freeman. These disclosures, however, provide no disclosure nor suggestion of the feature of a card of approximately 85 millimeters (mm) in length, 55mm in width and 1 mm thick" as recited in claim 3. In fact, many LCD displays of the type disclosed in Freeman 183 are wholly unsuitable for such an application.


Regarding the dimension of the card disclosed by Freeman, please see Fig. 7 and col 1, lines 5-10. Wallet-size is approximately 85 mm by 55mm by 1mm. Examiner maintains that at the time the invention was made it would have been obvious to indicate wallet-size as the measurements disclosed by applicant.

Applicant further argues: "Freeman does not suggest the claim requirement of a phone ordering interface. . . 'or said phone ordering interface communicates authentication data. . . ' Moreover, disclosure of a modem would teach away from a feature of ordering over the phone," as in the Examiner's description of a reason to incorporate such a feature. A phone user would not communicate with a modem. Thus, the Examiner has not demonstrated that such a feature is taught in the art, much less a motivation to incorporate such a feature into the teachings of Freeman.

Examiner disagrees. Freeman explicitly states that a telephone has the capability of reading and using the information stored on the card (col 2, lines 15-25). Freeman further discloses that his invention has particular application to the purchase of electronic tickets (col 2, lines 1-10; col 5, lines 55-65). Freeman further discloses receiving information to authenticate and authorize a user (col 5, lines 55-65; col 8, lines 55-60). The network where the information is transmitted includes the internet, public switched network is part of the internet (col 5, lines 25-35).

Applicant further argues: "no statement of motivation at all for claim 16), the Examiner's only statement of motivation - that one of ordinary skill in the art would have been motivated to (modify the teachings of Freeman because it would the [sic system to verify the identity of the person using the card - relates to discussion in Gray, not in Freeman. Gray, col. 2, 11. 40-50. Freeman on the other hand, describes an invention that enables consumers to receive ticketing information that can admit them to a venue (and) guide them to their seats. . . " Freeman 183, col. 2, 11. 30-32. As in the present invention, however, such a feature typically involves using a ticketing device as a bearer instrument, and does not require any personal identification of the holder of the instrument. Thus, the Examiner has pointed to no motivation to incorporate the teachings of Gray with the teachings of Freeman 183.

Examiner disagrees with applicant. Freeman discloses that during purchasing of tickets that the user must send authorization information. Examiner believes that the authorization must include authentication information. Examiner maintains that the motivation for combining the references is found during the purchasing procedure of Freeman (col 8, lines 55-60). Examiner maintains that the claimed invention is unpatentable.

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

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